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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: James C. Kennedy et al.

Title: Photochemotherapeutic Method using 5-Aminolevulinic Acid and Other Precursors of Endogenous Porphyrins

Appl. No.: 09/293,835

Filing Date: 04/19/1999

Examiner: S. Sharareh

Art Unit: 1617

**AMENDMENT UNDER 37 C.F.R. § 1.116**

Commissioner for Patents  
Box NON-FEE AMENDMENT  
Washington, D.C. 20231

Sir:

This communication is responsive to the Office Action dated September 12, 2002, concerning the above-referenced patent application. Please consider the following remarks in response to the Office Action.

**REMARKS**

**I. INTRODUCTION**

Receipt of the Office Action of September 12, 2002 is acknowledged. Claims 1, 15, 18-19, 24, 29-39, 41, 47 and 49-51 are pending in this application. Applicants appreciate that the Examiner has withdrawn the rejection based on obviousness type double patenting.

**II. THE OFFICE ACTION**

**Rejections based on 35 U.S.C. § 103**

The Examiner has maintained the rejection of claims 1, 15, 18-19, 24, 29-39, 41-47 and 49-51 under 35 U.S.C. § 103 as allegedly obvious over Richter et al. (U.S. Patent No.